

## REMARKS

The Office Action dated April 22, 2004 has been received and carefully noted. The above amendments to the claims, and the following remarks, are submitted as a full and complete response thereto.

Claims 22 and 39 are amended to more particularly point out and distinctly claim the subject matter of the invention. Claim 38 is canceled, without prejudice. No new matter is added. Thus, claims 22-37 and 39-42 are pending in the present application and are respectfully submitted for consideration.

Claims 22-30, 32, 34-40, 41 and 42 were rejected under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent No. 5,826,188 (*Taylor et al.*). The Office Action took the position that *Taylor* teaches all the features of independent claims 22 and 39. Applicant respectfully submits that *Taylor* does not disclose or suggest all the features of any of the presently pending claims.

Claim 22, upon which claims 23-30, 32, and 34-37 are dependent, recites a method of interworking between different radio access networks. A radio transceiver device capable of operating with a first radio access network in a second radio access network is attached to the first radio access network. The method includes detecting a service request. The service request is received from the network side. The method also includes accessing information on conditions for the first and second radio access networks for giving sufficient support for a service requested by the service request. The method also includes analysing whether or not the first radio access network and the

second radio access network meet the conditions. The method also includes initiating a handover of the radio transceiver device from the first radio access network to the second radio access network if the second radio access network meets the conditions but the first radio access network does not. The analysing step includes analysing whether a subscriber using the radio transceiver device is entitled to use the requested service.

Claim 39, upon which claims 40-42 are dependent, recites a network interworking device for a telecommunication network having at least two radio access networks. A radio transceiver device capable of operating with the first radio access network and the second radio access network is attached to the first radio access network. The device includes a detecting means for detecting a service request. The service request is received from the network side. The device also includes an analysing means responsive to the detecting means and having the functionality of accessing information on conditions for the first and the second radio access networks for giving sufficient support for the service requested by the service request and analysing whether or not the first radio access network and the second radio access network meet the conditions. The device also includes initiating means responsive to the analysing means. The initiating means is adapted to initiate a handover of the radio transceiver service from the first radio access network to the second radio access network if the respective conditions are not met by the first radio access network but by the second radio access network. The analysing means is configured to analyse whether a subscriber using the radio transceiving device is entitled to use the requested service.

As discussed in the specification, examples of the present invention enable a user to use a specific service, such as real time voice transmission via a packet switched service with a high quality, that is not available in a current network, or is available in another network. Further, a service request is issued from the network side by analysing whether a subscriber using a radio device is entitled to use a requested service. It is respectfully submitted that the prior art of *Taylor* fails to disclose or suggest all the elements of any of the presently pending claims. Therefore, *Taylor* fails to provide the critical and unobvious advantages discussed above.

*Taylor* relates to a method and apparatus for handing off calls between differing radio telecommunication networks. *Taylor* describes an inter-network handoff. When a subscriber unit 120 identifies a new network 304, a handoff with new network 304 is requested. When the subscriber unit 120 does not identify the new network 304, an old network requests location information relevant to the inter-network handoff from a location inter-working server 200. *Taylor* describes a determination being made whether the handoff is approved by a new gateway. When the handoff is not approved, the old gateway determines whether any other alternate networks indicated in the inter-network decision have yet to be tried. If not, the old gateway sends a handoff denied message to the subscriber unit. When handoff is approved, the handoff decision contains information describing the selling channel of the new network to which the subscriber unit should handoff. A subscriber unit might desire an inter-network handoff when a subscriber unit power measurement of the communication channel indicates that the channel is fading.

The subscriber unit is capable of determining that it is located in an area that one or more alternate networks can provide higher quality service or service at a lower rate. As part of the handoff request, the subscriber unit specifies the alternate network to which the subscriber unit prefers to be handed off. The old gateway also initiates a handoff when the old gateway wants to shed some of the traffic load that the old gateway is supporting, or when a channel power measurement indicates that the old gateway is not able to provide high quality service to the subscriber unit. These aspects of *Taylor*, however, do not disclose or suggest the features of accessing information on conditions for the first and the second radio access network for giving sufficient support for a service requested by the service request and analysing whether a subscriber using the radio transceiver device is entitled to use the requested service.

In contrast, claim 22 recites "accessing information on conditions for the first and the second radio access network for giving sufficient support for a service requested by said service request" and "analysing whether a subscriber using said radio transceiver device is entitled to use said requested service." Claim 39 recites an analysing means having the functionality of "accessing information on conditions for said and said second radio access networks for giving sufficient support for a service requested by said service request" and "said analysing means is configured to analyse whether a subscriber using said radio transceiver device is entitled to use said requested service." Applicant respectfully submits that the cited reference does not disclose or suggest at least these features of the presently pending claims.

Applicant submits that the method for handling handoffs between different radio telecommunication networks described in *Taylor* does not disclose or suggest accessing information on conditions for a first and second radio access network to support a service requested by a service request and analysing whether a subscriber is entitled to use the service request. Instead, *Taylor* describes handing off within a network, or intra-network, a call because of location or power considerations. *Taylor* does not disclose or suggest that a service request is issued from the network side. Further, *Taylor* does not disclose or suggest analysing whether a subscriber using a radio transceiver device is entitled to use the requested service. This feature of the pending claims is not disclosed or suggested by handoffs due to traffic load or transmission power. Thus, for at least these reasons, *Taylor* does not disclose or suggest all the features of independent claims 22 and 39. The dependent claims also are not disclosed or suggested at least for their dependency upon independent claims 22 and 39. Applicant respectfully requests that the anticipation rejection be withdrawn.

Claims 31 and 33 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Taylor* in view of U.S. Patent No. 6,393,047 (*Popovic*). The Office Action took the position that *Taylor* taught all the features of claims 31 and 33, except that the second or the first radio access network is a UMTS network and the requested service is a packet service. The Office Action then took the position that *Popovic* teaches these features of claims 31 and 33. Applicant respectfully submits that claims 31 and 33 are not disclosed or suggested by the cited references, either alone or in combination.

Claims 31 and 33 depend directly or indirectly from claim 22. Claim 22 is summarized above.

*Popovic* relates to code division multiple access communications. A mobile switching center node 18 of *Popovic* provides circuit switched services. A general packet radio service node 20 provides packet switch type services. Each of core network service nodes 18 and 20 of *Popovic* connects to a UMTS radio access network 24 over a radio access network interface. Individual radio channels are allocated using code division multiple access spreading codes. *Popovic*, however, does not disclose or suggest the feature of accessing information on conditions for the first and second radio access network for giving sufficient support for a service requested by the service request and analysing whether a subscriber using the radio transceiver device is entitled to use the requested service.

In contrast, as discussed above, claim 22 recites "accessing information on conditions for the first and the second radio access network for giving sufficient support for a service requested by said service request" and "analysing whether a subscriber using said radio transceiver device is entitled to use said requested service." Applicant submits that the cited references, either alone or in combination, do not disclose or suggest at least these features of claims 31 and 33.

As discussed above, *Taylor* does not disclose or suggest analysing whether a subscriber is entitled to use a requested service. Further, *Popovic* does not disclose or suggest those features missing from *Taylor*. Applicant submits that *Popovic* does not

even discuss analysing whether a subscriber is entitled to a requested service. *Popovic* describes spreading and de-spreading functions in a co-division multiple access system. This aspect of *Popovic* does not disclose or suggest analysing whether a subscriber is entitled to use a requested service. Thus, for at least these reasons, claims 31 and 33 are not disclosed or suggested by *Tayloe* and *Popovic*, either alone or in combination.

Claims 31 and 33 depend directly from independent claim 22. Applicant notes that claim 22 is not rendered obvious by the cited references, either alone or in combination. If an independent claim is not obvious, then any claim depending therefrom also is not obvious. MPEP 2143.03. For at least these reasons, applicant respectfully requests that the obviousness rejection be withdrawn.

If for any reason the Examiner determines that the application is not now in condition for allowance, it is respectfully requested that the Examiner contact, by telephone, the applicant's undersigned attorney at the indicated telephone number to arrange for an interview to expedite the disposition of this application.

In the event this paper is not being timely filed, the applicant respectfully petitions for an appropriate extension of time. Any fees for such an extension together with any additional fees may be charged to Counsel's Deposit Account 50-2222.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'William F. Nixon', is written over a horizontal line.

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Enclosures: Petition for Extension of Time